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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 RALPH REDD,  
15 Defendant.

Case No.: 10-CR-2740-W

**ORDER DENYING MOTION TO  
REDUCE SENTENCE**

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17 On February 29, 2012, this Court sentenced Defendant Ralph Redd to 180 months  
18 imprisonment for sex trafficking of children, in violation of 18 U.S.C. § 1591, sexual  
19 exploitation of children, in violation of 18 U.S.C. § 2251, and distribution of images of  
20 minors engaged in sexually explicit content, in violation of 18 U.S.C § 2252(a)(2).  
21 Defendant now moves for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A),  
22 arguing that his hypothyroidism; increased risk of diabetes and high cholesterol; and  
23 family history of cancer, high blood pressure, hypertension, and asthma make him  
24 particularly vulnerable to becoming seriously ill from COVID-19.  
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1 18 U.S.C. § 3582(c) provides that a defendant may bring a motion only after he has  
2 “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons” to  
3 bring a motion on his behalf. Defendant has satisfied the exhaustion requirement and the  
4 Court has jurisdiction and for the reasons below **DENIES** Defendant’s motion.

5 Under 18 U.S.C. § 3582(c)(1)(A), a court may reduce a defendant’s term of  
6 imprisonment “after considering the factors set forth in [18 U.S.C. § 3553(a)]” if the  
7 court finds that “extraordinary and compelling reasons warrant such a reduction” and  
8 “such a reduction is consistent with applicable policy statements issued by the Sentencing  
9 Commission.” The United States Sentencing Commission (“USSG”) recognizes that  
10 certain medical conditions may constitute an “extraordinary and compelling reason”  
11 warranting a reduction in sentenced under § 3582. See USSG § 1B1.13. However,  
12 application note 1(A) limits a reduction for medical conditions to “terminal illness” or if  
13 the defendant is:

- 14 (I) suffering from a serious physical or medical condition,  
15 (II) suffering from a serious functional or cognitive impairment, or  
16 (III) experiencing deteriorating physical or mental health because of  
17 the aging process,  
18 that substantially diminishes the ability of the defendant to provide self-care  
19 within the environment of a correctional facility and from which he or she is  
20 not expected to recover.

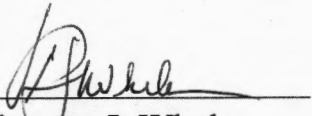
21 U.S.S.G. § 1B1.13, cmt. n.1(A)(i)-(ii). Defendant’s medical ailments do not meet these  
22 limitations. Defendant’s controlled thyroid condition is not one of the conditions  
23 identified by the CDC as increasing a person’s risk for developing serious illness from  
24 COVID-19. The other potential ailments listed by Defendant are purely conjecture and  
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1 thus do not rise to the level of a risk factor. Nor does the potential to contract COVID-19  
2 generally, which threatens every non-immune person in the country. The Bureau of  
3 Prisons has a lengthy and detailed protocol addressing social distancing, hygienic and  
4 cleaning protocols, and the quarantining and treatment of symptomatic inmates.

5 Based on the foregoing, Defendant is not eligible for a sentence reduction due to  
6 extraordinary and compelling reasons under the USSG policy statement.

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8 **IT IS SO ORDERED.**

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10 Dated: August 27, 2020

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13 Hon. Thomas J. Whelan  
14 United States District Judge  
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